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Assistance to unaccompanied refugee minors

Report of the Secretary-General

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I. Introduction

1. On 9 December 1998, the General Assembly adopted resolution 53/122, in which it noted efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other organizations to protect and assist unaccompanied refugee minors. It recalled that those refugees were among the most vulnerable and were the most at risk for neglect, violence, forced military recruitment, sexual assault and other abuses. The Assembly expressed deep concern at the continued plight of unaccompanied minors, emphasizing the urgent need for early identification and for timely, detailed and accurate information on their number and whereabouts.

2. In the same resolution, the General Assembly called upon UNHCR, in cooperation with other relevant United Nations bodies, to incorporate into its programmes policies that aim at preventing refugee family separation, conscious of the importance of family unity. It furthermore called upon all States and other parties to armed conflict to respect international humanitarian law, notably the provisions of the Geneva Conventions and related instruments, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, held in Geneva in December 1995, and to respect the provisions of the Convention on the Rights of the Child, which accord children affected by armed conflict special protection and treatment.

3. The General Assembly moreover condemned all acts of exploitation of unaccompanied refugee minors, including their use as soldiers or human shields in armed conflict and their forced recruitment into military forces, and any other acts that endanger their safety and personal security.

4. The present report includes information on action taken by the United Nations and other agencies and organizations in response to resolution 53/122.

II. Background

5. "Unaccompanied minors" or "separated children" are defined as those who are separated from both parents and are not being cared for by an adult who, by law or custom, is responsible for doing so. However, even in emergency situations, relatively few children are found to be truly unaccompanied, even though many have been separated from their usual caregivers. For those separated children who are totally alone, the traditional definition of "unaccompanied children" indeed applies, but many may be living with extended family members, friends, neighbours, other adults or groups of peers. Consequently, the term "separated child" is now widely used in preference to "unaccompanied child". Separated children can be defined as children under 18 years of age who are separated from both parents or from their previous legal or customary primary caregiver. All such children should be entitled to international protection under a broad range of international and regional instruments.

6. The risk of children being separated from their families and caregivers increases in the turmoil of conflict and flight. In the past year there have been notable examples in Central and West Africa and in the Kosovo emergency. While all refugees uprooted from their homes and communities are unprotected to a certain extent, separated children are even more vulnerable. Boys and girls living on their own are easy targets for recruitment into armed groups as combatants, porters and servants, and are at high risk for exploitation and abuse. Involuntary separation thus increases the risks faced by displaced, refugee and other war-affected children. Such risks include exposure to violence, physical or sexual abuse, exploitation and even death. The past decade has also seen a dramatic increase in the number of people who are internally displaced or directly affected by warfare but who do not cross international borders and do not benefit from the provisions of refugee law. Many of these people are children who have become separated from their families or whose parents have lost their lives in the conflict.

7. As explained in more detail below, the goal of UNHCR, the United Nations Children's Fund (UNICEF) and other agencies working on the ground is, where possible, to prevent separations, to identify children who have become separated from their families, to ensure that they receive the protection and assistance they need and to reunify them with their families in a timely manner.

III. New developments

8. This section covers a number of new developments that are relevant to various provisions of resolution 53/122. Cooperation with other United Nations agencies and intergovernmental and non-governmental organizations and, in some cases, with governmental counterparts has played an important role.

A. Family tracing and reunification

9. Together with UNICEF and the International Committee of the Red Cross (ICRC), UNHCR has continued to participate in collaborative efforts for the tracing and reunification of separated children, notably in Rwanda, following the mass return of refugees from the Democratic Republic of the Congo. More than 62,000 children have now been reunited with their families in Rwanda. The number of those who remain in centres has decreased to 5,000. Many of these are small children who cannot give information. Measures to facilitate tracing have included the use of photos, parental visits to centres housing the children and moving the children closer to their commune of origin to facilitate their identification. The Government of Rwanda aims eventually to move all children into families within the community to ensure that the children are able to assimilate the local culture and traditions and integrate into normal life as soon as possible.

10. The joint UNHCR/UNICEF Liberian Children's Initiative, while primarily aimed at protecting the psychological and social well-being of Liberian children and adolescents and providing them with the means to contribute to their communities and nation, also plays a part in the tracing of separated children and reunification. Save the Children United Kingdom has been playing a leading role in the project, strengthening and expanding its existing infrastructure for reunification and support services. As a result, 78 separated children had been reunited with their families as at March. The Liberian Children's Initiative also supports an emergency response team to prevent family separation. Efforts are under way to formalize and strengthen regional cooperation between UNHCR, UNICEF and Save the Children United Kingdom for the identification, repatriation and unification of separated children.

11. A "neighbourhood initiative" proposed by the Special Representative of the Secretary-General for Children and Armed Conflict seeks to bring together a group of neighbouring countries linked by cross-border activities in order to mobilize a concerted response to issues affecting children. It is aimed at obtaining public commitments and concrete measures by the respective Governments and insurgency groups to protect children from cross-border threats and abuse. The initiative represents a significant step towards closer cooperation between the Special Representative of the Secretary-General, Governments, United Nations agencies and non-governmental organizations and fosters a collaborative approach to the protection and welfare of children, especially refugee and internally displaced children. Three such "neighbourhoods", in West Africa, East Africa and Kosovo, have been proposed for implementation of these initiatives. A task force has been created to design a strategy, plan of action and modalities. Priorities highlighted so far include cross-border tracing activities and family reunion of separated children. An inter-agency mission to West Africa has been planned for the latter part of 1999.

12. The Special Representative of the Secretary-General has also been active in seeking a solution to the problem of the abduction of children from northern Uganda to southern Sudan by members of an armed group, the Lord's Resistance Army. A small number of these children were released in February, and their return to their families in Uganda was then facilitated by UNHCR, in close coordination with UNICEF and local non-governmental organizations.

13. In the Kosovo emergency, inter-agency cooperation involving UNHCR, ICRC and UNICEF also played an important role in tracing efforts. It should be noted, however, that there were fewer child-family separations than in other recent refugee crises. The vast majority of separated children were accompanied by relatives or neighbours, and the parents' whereabouts were usually known. Strong extended family and community networks within the refugee community have ensured that separated children were cared for within families and communities, and institutional care was not required. Families accommodating separated children were monitored on a daily basis. The humanitarian evacuation programme, which facilitated the evacuation of refugees to third countries to ease pressure on host countries in the region at the height of the emergency, took account of the need to respect the principle of family unity. Unaccompanied minors with relatives in a third country who could care for them were given first priority. By early August, only 33 cases were pending a solution, and were being actively followed up by UNHCR in conjunction with ICRC and UNICEF.

B. Separated Children in Europe programme

14 The Separated Children in Europe programme is a joint initiative by UNHCR and the International Save the Children Alliance, based on complementary areas of expertise. It aims to realize the rights and best interests of separated children and young people coming to or transiting through Europe by establishing a shared policy and commitment to best practice at the national and European levels. A network of non-governmental organization partners has been developed under this initiative. A statement of good practice on the

protection and care of separated children has been developed, and training on the full meaning of this practice has been conducted for all the partners. Moreover, a study of the reason for children's movements has been completed. As part of this collaboration, an officer will be based at the UNHCR regional office in Brussels, whose main task will be to further the development of partnerships with organizations working with separated children in European countries and to disseminate proven practices and principles developed in this area.

C. Action for the Rights of Children training and capacity-building

15. The Action for the Rights of Children project is one of the strategies developed by UNHCR in response to the recommendations of the report of the expert of the Secretary-General on the impact of armed conflict on children (the Machel study) (A/51/306 and Add.1). It plays an important role in disseminating experience accumulated in the protection of and the provision of assistance to separated children. Based on a comprehensive training programme on child and adolescent rights and developmental needs, the aim of Action for the Rights of Children is to increase the capacity of UNHCR, government and implementing partners' staff to protect and care for children in emergency situations. Established in 1997 as a collaborative initiative between UNHCR and the International Save the Children Alliance, the Action for the Rights of Children steering committee was expanded in 1999 to include UNICEF and the Office of the High Commissioner for Human Rights, both of which are actively involved in regional initiatives and in reviewing training materials. In the early part of 1999, regional resource teams, with UNHCR regional policy officers for children acting as focal points, have benefited from Action for the Rights of Children training-of-trainers workshops. The regions involved are East and West Africa, the Commonwealth of Independent States and Central Asia. The resource teams have subsequently identified follow-up strategies to address critical issues as they affect children. Action for the Rights of Children activities are currently being expanded to include the Great Lakes region of Africa.

D. Convention on the Rights of the Child

16. The Convention on the Rights of the Child represents a powerful legally binding instrument for the promotion and protection of the rights of children, including separated children. The Committee on the Rights of the Child, which is serviced by the Office of the High Commissioner for Human Rights, is entrusted with monitoring the implementation of the Convention. This is done primarily by means of a reporting procedure by States that encourage the collection and sharing of information on separated children. The procedure allows the Committee, with the cooperation of UNHCR and non-governmental organizations, to enter into a constructive dialogue with States on the situation of separated children in their territories.

17. Between May 1998 and June 1999, the Committee considered the reports of Austria, Guinea, Luxembourg and Sweden, among others. The enforcement of the rights of unaccompanied minors was discussed and addressed in corresponding recommendations.

E. Internally displaced children

18. Action on behalf of the internally displaced has continued to benefit from the special attention of the Office for the Coordination of Humanitarian Affairs. The Emergency Relief Coordinator, as inter-agency focal point on internally displaced persons, underscores the need for urgent action and priority attention to identifying and addressing the needs of children separated from their families as a consequence of forced displacement.

19. Although children separated from parents in the chaos of conflict within their national borders face the same risks as refugee children, they do not benefit from a specific body of international law for their protection. However, the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), prepared by a team of legal experts under the auspices of the Representative of the Secretary-General on internally displaced persons, draw special attention to the needs and rights of separated children. The principles affirm the special protection and assistance needs of separated children, address the issue of family separation during displacement and reaffirm the right of families to remain together or to be speedily reunited. They also call upon the responsible authorities to facilitate enquiries made by family members and to cooperate with humanitarian organizations engaged in the task of family reunification. All agencies of the Inter-Agency Standing Committee are involved in the active dissemination of these principles.

20. Within the Inter-Agency Standing Committee, several initiatives are under way with the aim of improving the protection and assistance of internally displaced persons, including for separated internally displaced persons. For

example, the Office for the Coordination of Humanitarian Affairs, in collaboration with other members of the Inter-Agency Standing Committee, is finalizing a policy paper aimed at sharpening the focus of humanitarian strategies with regard to the protection of internally displaced persons, including separated children. Increased efforts are also under way in the field of consolidation and dissemination of information. The Office for the Coordination of Humanitarian Affairs is collaborating with the Norwegian Refugee Council in the development of a global internally displaced person database through the establishment of procedures for systematic data collection at the field level. The data will include information on the number and condition of separated children, which in turn will help to facilitate the humanitarian response. In addition, the Inter-Agency Standing Committee agencies, coordinated by UNICEF, have produced a manual on field practice in internal displacement, which includes examples of programmes designed to provide protection and assistance to separated children. Finally, an inter-agency training module on internal displacement for field personnel is being developed by the Inter-Agency Standing Committee agencies under the coordination of UNICEF and the Norwegian Refugee Council. The module will also contain reference to vulnerable groups, including separated children.

F. Child soldiers

21. Discussions on separated children were held at the first African Conference on the Use of Children as Soldiers (organized by the Coalition to Stop the Use of Child Soldiers in conjunction with the Swedish Save the Children and UNICEF, and hosted by the Government of Mozambique), held in Mozambique in April 1999 and attended by the Office of the High Commissioner for Human Rights, UNHCR and other agencies. Specifically, a working group discussed programmatic experiences in preventing child recruitment and discussed the categories of children most at risk of recruitment, including refugees, displaced children and separated children. It assessed preventive strategies used to address forcible recruitment and other extreme forms of child labour and sought to identify further action required to protect children from those practices. The importance of examining the cultural and social environment in which recruitment occurs was stressed, as was the need to work together with concerned families.

G. Strengthening the field network of the Office of the United Nations High Commissioner for Refugees

22. As part of its efforts to promote the UNHCR policy on refugee children, with specific attention to unaccompanied and separated children, UNHCR strengthened its field network by creating, in 1998, four new posts for regional policy officers for refugee children. One of the main activities of the officers is to ensure that a system to prevent children from being separated from their families in emergency situations is established, as well as measures to rapidly identify, document and trace separated children. Another important aspect of their work is to ensure that the issue of separated children is addressed consistently from region to region, to ensure that the work undertaken benefits from coordination and consultations with all interested agencies and organizations and to be actively involved in relevant training initiatives.

23. In the Great Lakes region of Africa and elsewhere, efforts have been made to build up an inter-agency team and to work in close collaboration with ICRC and other non-governmental organizations, and with government counterparts to find durable solutions for separated children. A clear division of work and responsibilities among the various actors has contributed to good progress in a number of areas: camp tracing, inter-camp tracing, cross-border procedures for movement, reception and care of separated children, databases and tracing guidelines. Regional meetings have been held in each country to review the joint effort of all concerned by the problem of separated children. These meetings have made it possible to update information on the status of separated children and to seek ways of repatriating them and reuniting them with their families. This network has been extended to countries outside the Great Lakes region that are hosting separated children. Government ministries are consulted through technical discussions, and their support has been conducive to a speedy solution to complex and difficult situations.

24. Sharing information and lessons learned with partners has been achieved through meetings, documentation, videos, brochures, manuals and thematic group discussions. Over a period of time, this has created a common view and approach among all concerned. In the Great Lakes region a quarterly newsletter focuses on issues concerning children affected by war, with a particular emphasis on separated children.

IV. Other issues of concern

A. The girl child

25. In the case of unaccompanied or separated children, the most vulnerable of all are the girls. Particular emphasis needs to be given to their education, particularly in the absence of any family support. Disabled girls face the threat of being abandoned, and many die of neglect at an early age. Sexual exploitation is a constant threat, and can lead to child prostitution. In turn, the prevention of human immunodeficiency virus and sexually transmitted diseases, through community-based programmes, including training and providing support to caregivers, sensitizing the community and making the community aware of the problem, is of crucial importance. Lastly, inheritance rights need special attention, as there are frequently legislative gaps concerning women and girls who are deprived of family support.

B. Adoption of separated children

26. This issue was highlighted in the context of the debate on international protection that took place at the fifteenth session of the UNHCR Standing Committee in June 1999, at which the importance of protecting the family and maintaining family unity was emphasized in the context of adoptions. UNHCR has indeed long advocated the policy that refugee children in an emergency context are not available for adoption. In taking this position, UNHCR is guided not only by the Convention on the Rights of the Child, but also by the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption and the recommendations concerning the Convention's application to refugee children and other internally displaced children. The premise of the policy is that an adoption should not be carried out if there is reasonable hope that the family will be traced and reunited, keeping in mind the child's best interests. This policy is rooted in the principle that the best interests of the child should be a primary consideration, and that staying with relatives in extended family units in a similar cultural milieu is usually a better solution than uprooting the often already traumatized child completely. (See art. 3 of the Convention on the Rights of the Child (General Assembly resolution 44/25, annex).)

27. Emergency situations continue to be an acute reminder of the rationale and need for this policy. UNHCR received a significant number of requests for adoption during the crisis in the Great Lakes region of Africa. With emphasis placed on family reunification, some 85 to 90 per cent of children separated during the crisis were eventually reunited with family members. Similarly, UNHCR received regular requests to adopt ethnic Albanian children separated as a result of the Kosovo crisis. Adoption was not regarded as an appropriate solution. Recognizing the fact that most separated children are not orphans, efforts have to continue to be directed towards finding suitable interim care for these children, with a view to possible reunification with their families, including members of the extended family.

28. Nevertheless, when an assessment has been made that indeed it would be in the best interest of the child for an intercountry adoption to take place, unnecessary restrictions and obstacles should not be created by States. Strict requirements for documentation either for a refugee child seeking to be adopted or for a refugee parent hoping to adopt a child may not serve the best interest of the children or the family.

V. Conclusion

29. Despite the progress recorded in some areas by UNHCR, the Office for the Coordination of Humanitarian Affairs, UNICEF, the Office of the High Commissioner for Human Rights and ICRC and other non-governmental organizations, many challenges remain outstanding. One such challenge concerns the criteria for selecting foster families and systematic follow-up, for which resources are often limited. Community-based strategies go some way in addressing this issue, but separated children, in particular girls, remain at risk for some form of exploitation. Solutions, like the issues, are complex. Until civilians in general are protected from the impact of warfare and from serious violations of human rights, increasing numbers of children will continue to be exposed to the additional trauma and danger of separation. Member States are urged to adhere to and to promote the Convention on the Rights of the Child, to support programmes, financially and otherwise, aimed at avoiding involuntary family separation and to facilitate family reunification.